

**BOARD OF MADISON COUNTY COMMISSIONERS**  
**August 15, 2006 MINUTES**

On Tuesday, August 15, 2006, a meeting of the Board of Madison County Commissioners came to order at 10:00 AM with Commissioners Ted Coffman, David Schulz and Frank Nelson present.

Frank Nelson moved to approve the August 7, 2006, minutes as read. David Schulz seconded the motion. All voted aye and the motion carried.

Those present at the meeting were Ralph Hamler, Jill Steeley, Jim Hart, Lewis Stahl, Marilyn Ross, MaryAnn O'Malley, Doris Fischer, Staci Beecher, and those people on the attached list.

Jim Hart, District 3 Commissioner Candidate, and Lewis Stahl and Marilyn Ross, District 2 Commissioner Candidates, were present to observe the meeting.

**Opening of Public Hearing – Final Budget:** Chairman Coffman opened the public hearing for Fiscal Year 2006-2007 Final Budget at 9:00 AM. Members of the public present for this hearing were Ralph Hamler, Jill Steeley, Jim Hart, Lewis Stahl, Marilyn Ross, and MaryAnn O'Malley.

**Public Hearing – Budget Amendments:** Chairman Coffman opened the public hearing for Fiscal Year 2005-2006 Budget Amendments at 10:00 AM. Members of the public present for this hearing were Jim Hart, Lewis Stahl, and Marilyn Ross. David Schulz moved to approve Resolution 34-2006, a resolution amending FY 2005-2006 budget by including grant funds for Crime Control Fund 2870. Frank Nelson seconded the motion. All voted aye and the motion carried.

David Schulz moved to approve Resolution 35-2006, a resolution amending FY 2005-2006 budget by including funds for Rural Special Improvement District 2006-01 Golf Course Fund 4206. Frank Nelson seconded the motion. All voted aye and the motion carried.

Frank Nelson moved to approve Resolution 36-2006, a resolution amending FY 2005-2006 budget by including funds for Rural Special Improvement District 2006-02 Pintail Ridge Fund 4207. David Schulz seconded the motion. All voted aye and the motion carried.

Frank Nelson moved to approve Resolution 37-2006, a resolution amending FY 2005-2006 budget by including funds for Rural Special Improvement District 2006-03 Moore's Creek Fund 4208. David Schulz seconded the motion. All voted aye and the motion carried.

Frank Nelson moved to approve Resolution 38-2006, a resolution amending FY 2005-2006 budget by including funds for Sheridan Nursing Home Fund 5111. David Schulz seconded the motion. All voted aye and the motion carried.

David Schulz moved to approve Resolution 39-2006, a resolution amending FY 2005-2006 budget by including funds for Madison County Medical Fund 6053. Frank Nelson seconded the motion. All voted aye and the motion carried.

**Bond Issue:** The Board discussed putting a Bond Issue on the November ballot for the proposed Law and Justice Center.

**Planning Board Resignation:** Frank Nelson moved to accept the resignation of Marylou Freese from the Madison County Planning Board and to advertise the vacancy. David Schulz seconded the motion. All voted aye and the motion carried.

**Vacation Pay Off Request:** The Board reviewed a request from a nursing home employee to convert unused vacation time to half of the monetary value and donate that amount to Julie Lueck's memorial. The Board discussed the request in a telephone conversation with Jack Holstrum, MACo JPIA Personnel Services Administrator. Jack stated that the only way allowable by state law to get a pay off for vacation leave is to terminate or retire. The Board will offer this employee the opportunity to use the vacation time before it expires, but cannot authorize a pay off.

**Beaverhead Detention Agreement:** Frank Nelson moved to approve the Detention Center Reimbursement Agreement between the Madison County Sheriff's Office and Beaverhead County, establishing a confinement rate of \$65.00 per day for each inmate confined in the Beaverhead County Detention Center who is the responsibility of the Madison County Sheriff's Office. David Schulz seconded the motion. All voted aye and the motion carried.

**Petition to Create East Cameron Zoning District:** Rick Landers, Wittich Law Firm, and those people on the attached list, met with the Board to discuss a petition to create a zoning district in the East Cameron (Bear Creek) area. Rick stated that of the twenty-one (21) affected landowners, fourteen (14) have signed petitions in favor of the zoning, meeting the sixty percent legal requirement. Commissioner Coffman questioned whether public entities owning property, such as Madison County, are included in the sixty percent requirement. Rick responded that statute does not provide guidance on that issue. Commissioner Coffman also questioned signatures of two owners that own a piece of property jointly. One has signed a petition and one has not. Melinda Merrill, landowner, questioned the definition of "affected", stating that landowners who already have a Conservation Easement in place on their properties won't be impacted by zoning regulations because subdivision of their property is already restricted. Andy Kelly, landowner, questioned why some properties were included in the zoning and others were not. Andy asked that his property be drawn out of the proposed zoning area. Andy Willet, SBC Development, spoke against the zoning and stated that his company will protest to some degree if zoning is imposed. Commissioner Nelson stated that he would like to see discussion between all property owners involved. Commissioner Coffman continued this portion of the meeting to 3:00 PM on Monday, August 21, 2006 to give the Board opportunity to research the questions that were asked.

**First Reading of Ordinance 3-2006:** Doris Fischer, Planner, and Staci Beecher, Planner 1, were present for this portion of the meeting. Ted Coffman read Ordinance 3-2006, an ordinance establishing new subdivision regulations and repealing ordinances 4-2000, 2-2003, 3-2003, and 1-2005. David Schulz moved to approve the first reading of Ordinance 3-2006 and to set a Public Hearing for the second reading of the ordinance for Tuesday, September 5, 2006, at 1:30 PM, in the Commissioners' Conference Room of the Madison County Courthouse. Frank Nelson seconded the motion. All voted aye and the motion carried.

**First Reading of Ordinance 4-2006:** Doris Fischer, Planner, and Staci Beecher, Planner 1, were present for this portion of the meeting. Ted Coffman read Ordinance 4-2006, an ordinance establishing a new subdivision review fee schedule. Frank Nelson moved to approve the first reading of Ordinance 4-2006 and to set a Public Hearing for the second reading of the ordinance for Tuesday, September 5, 2006, immediately following the first public hearing at 1:30 PM, in the Commissioners' Conference Room of the Madison County Courthouse. David Schulz seconded the motion. All voted aye and the motion carried.

**Southwest Chemical Dependency Contract:** The Board received a telephone call from Jean McCauley and Dan Krouse of Southwest Chemical Dependency to discuss a Service Provider Designation Form that would allocate 100% of County earmarked alcohol tax funds to Southwest Chemical Dependency for alcohol related counseling in Madison County. The Board expressed concerns that Ennis and the surrounding area are being served by this program but that residents from the other side of the County, Twin Bridges and Sheridan areas, have to travel either to Ennis or Dillon to receive services. Jean stated that she will work with the County to provide closer services for that side of the County. David Schulz moved to continue working with the Southwest Chemical Dependency Program for Fiscal Year 2006-2007. Frank Nelson seconded the motion. All voted aye and the motion carried.

**Building Project:** The Board discussed the building project in a telephone conversation with Rick Schlenker of SMA.

**Public Discussion:** The Board received a telephone call from the Sheriff's Department informing them of a fire in the Northeast corner of the County and the need to declare this fire an emergency for the purpose of receiving mutual aid. Frank Nelson moved to adopt Resolution 41-2006, a resolution declaring an emergency in Madison County. David Schulz seconded the motion. All voted aye and the motion carried.

Commissioners' Meeting – August 15, 2006

**Closing of Public Hearing – Final Budget:** After having the budget available to the public until 4:00 PM, Chairman Coffman closed the final budget hearing. Having heard no opposition from the public, Frank Nelson moved to approve Resolution 40-2006 adopting the Final Budget, Tax Levy Requirement Schedule, and Non-levied Funds Summary Schedule for Fiscal Year 2006-2007, with the changes that were made today. David Schulz seconded the motion. All voted aye and the motion carried.

**Claims:** The Board approved claims.

With no further business the meeting adjourned at 5:00 PM.

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C. Ted Coffman, Chairman  
Board of Madison County Commissioners

Date Approved: August 21, 2006  
Minutes prepared by:

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Laurie Buyan, Administrative Assistant

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Peggy Kaatz, Clerk and Recorder, Madison County